



**APPROVED MINUTES
CITY OF SCOTTSDALE
CHARTER REVIEW TASK FORCE**

MONDAY, FEBRUARY 22, 2010

**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA 85351**

PRESENT: Steven J. Twist, Chair
Susan Bitter Smith
Jim Derouin
Cindi Eberhardt
Alan Kaufman
Charlie Smith

ABSENT: Lisa Johnson Stone

STAFF: Carolyn Jagger, City Clerk
Sherry Scott, Deputy City Attorney
Brent Stockwell, Senior Advisor
Ashley Couch, Stormwater Manager

Call to Order/Roll Call

Chairman Twist called the Charter Review Task Force regular meeting to order at 5:02 p.m. Roll call confirmed the presence of Task Force members as noted.

1. Approval of Minutes from the February 1, 2010 Meeting

MOTION AND VOTE

CINDI EBERHARDT MOVED APPROVAL OF THE FEBRUARY 1, 2010 CHARTER REVIEW TASK FORCE MINUTES. ALAN KAUFMAN SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY BY A VOTE OF SIX (6) TO ZERO (0).

2. Public Comment

No member of the public wished to address the Task Force.

3. Discussion and possible action regarding recommendations to the City Council revising Article 1. Section 3(b) relating to flood control and drainage.

Stormwater Manager Ashley Couch stated staff is recommending that the language in the Charter regarding stormwater management be updated to make it more clear, and consistent with long-exercised City practices.

Brent Stockwell indicated that the proposal has been reviewed by staff and the City Attorney's Office.

Charlie Smith asked for clarification regarding the phrase, "and require others to do the same," within the proposed language. Mr. Couch explained that the City implements stormwater management measures, and those same requirements must be met by developers as they go through the development review process in order to protect neighborhoods against adverse stormwater impacts. This language is meant to clarify that developers must follow the Stormwater Ordinance.

Charlie Smith asked whether the word "developers" should replace "others" in the proposed language.

Chair Twist questioned whether it is necessary to include that phrase in the Charter.

Sherry Scott explained the City requires property owners and developers to abide by the Stormwater Ordinance; maintenance is a large part of ensuring that drainage is working properly. The parenthetical could be deleted; however, the point of including it is to send a clear message to the public that stormwater regulations are not solely in the purview of the City, it is also the responsibility of property owners.

Chair Twist asked for clarification regarding the phrase, "and/or implement other stormwater management measures," and Ms. Scott explained that all stormwater management measures would be placed in the Stormwater Ordinance. Mr. Couch stated the City's Stormwater Ordinance is in the process of revision. Some of the proposed changes would grant the City the authority to manage stormwater in non-traditional, innovative ways. It would be difficult to specify what new technologies would consist of, since they are still emerging.

Sherry Scott explained the City already has all of the authority noted in the proposed language changes.

Susan Bitter Smith, Alan Kaufman, and Cindi Eberhardt expressed concern that these may be unneeded changes to the Charter.

Mr. Couch stressed that this language more clearly and concisely specifies the authorities needed to carry out the normal discharge of duties.

Jim Derouin asked whether the City currently has the power to impose fees and charges. Ms. Scott stated that it does, some of the power coming from the Charter and some from state law.

Jim Derouin stated it might not be a wise decision to call out the issue of imposing fees and charges if the authority is already there.

The Task Force agreed to take no action on the item at this time after clarification from Ms. Scott that no one has ever claimed that the City does not have the power to enforce stormwater regulations. The issue of abatements was previously addressed by the Task Force in Paragraph D.

4. Discussion and review of Task Force recommendations to date to determine whether additional changes to the City Charter are recommended, including, but not limited to considering additional changes to the following sections:

a. Article 1, Section 3, Subsection A relating to condemnation

Chair Twist stated he believes the provisions in Subsections A and O could be further clarified and simplified, and discussed possible changes to the language.

Ms. Scott defined public use for the Task Force, noting the amendment defines public use differently than the state statute.

Jim Derouin indicated that he believes the new language in Subsection A is straightforward and understandable.

The Task Force agreed to place this item on the next agenda for discussion and possible action.

b. Article 1, Section 3, Subsection O relating to prohibiting requesting or receiving waivers of claims for diminution of value

Ms. Scott recommended that Paragraph O end with, "power to enact laws." Ms. Scott stated that often when the City rezones, stipulations are attached that are specific to the individual property and would not apply to other properties in that zoning district.

The Task Force discussed the proposed language and Ms. Scott's recommendations.

Jim Derouin stated he believes the changes to Subsection O are incomprehensible and should be simplified. The purpose was to prevent the City from unilaterally asking for a waiver from somebody who comes to them with an application.

The Task Force agreed to place this item on the next agenda for discussion and possible action.

c. Article 2, Section 16 relating to Consideration of Petitions

Cindi Eberhardt read the Open Meeting Law into the record, and discussed its purpose as defined by the state. It is important to codify the right to address a public body in public meetings. She discussed the petition process and the history of petitions filed within the City, indicating the proposed language would greatly reduce the amount of preparation required on an issue that does not result in any action, and eliminate the need for the petitioner to return multiple times before the issue is resolved.

Alan Kaufman discussed repetitive petitions, stating Cindi Eberhardt's proposed language would codify the public's right to address the Council and would be an excellent addition to the Charter.

The Task Force discussed the proposed language and possible revisions.

MOTION AND VOTE

CINDI EBERHARDT MOVED THAT ARTICLE 2, SECTION 16 RELATING TO THE CONSIDERATION OF PETITIONS BE FURTHER AMENDED AS SHOWN. SECONDED BY ALAN KAUFMAN, THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0). LIST JOHNSON STONE WAS ABSENT.

**“Article 2, Section 16. Consideration of Petitions
Any citizen of the city may appear before the council at any regular meeting and ~~present a written petition~~ OR ADDRESS THE COUNCIL DURING THE PUBLIC COMMENT PERIOD. THE COUNCIL MAY REQUEST STAFF TO REVIEW ANY MATTER BROUGHT TO ITS ATTENTION, MAY ASK THAT THE MATTER BE PLACED ON A FUTURE AGENDA FOR A VOTE, OR TAKE NO ACTION ~~such petition shall be acted VOTED upon by the council, in the regular course of business, within (30) days~~ SIXTY (60) DAYS.”**

d. Review of all other recommendations to date

ITEM 4 (D) WAS CONTINUED TO THE MARCH 15, 2010 MEETING

5. Discussion regarding the Task Force report to the City Council.

ITEM 5 WAS CONTINUED TO THE MARCH 15, 2010 MEETING

6. Review, discuss, and possibly amend draft agenda for March 1, 2010 meeting.

The Task Force discussed possible future agenda items and the ballot process with staff; they agreed to cancel the March 1, 2010 meeting, and reconvene on March 15, 2010.

Adjournment

With no further business to discuss, the meeting adjourned at 6:32 p.m.

Respectfully submitted,
A/V Tronics, Inc. DBA AVTranz.

Reviewed by
Brent Stockwell, Senior Advisor

Officially approved by the Charter Review Task Force on Monday, March 15, 2010.